

Article - Criminal Procedure

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§3–118.

(a) Within 15 days after a judicial hearing ends or is waived, the court shall determine whether the evidence indicates that the committed person proved by a preponderance of the evidence eligibility for release, with or without conditions, in accordance with § 3-114 of this title, and enter an appropriate order containing a concise statement of the findings of the court, the reasons for those findings, and ordering:

- (1) continued commitment;
- (2) conditional release; or
- (3) discharge from commitment.

(b) (1) If timely exceptions are not filed, and, on review of the report of recommendations from the Office, the court determines that the recommendations are supported by the evidence and a judicial hearing is not necessary, the court shall enter an order in accordance with the recommendations within 30 days after receiving the report from the Office.

(2) A court may not enter an order that is not in accordance with the recommendations from the Office unless the court holds a hearing or the hearing is waived.

(c) Unless the conditional release is extended under § 3-122 of this title, the court may not continue the conditions of a conditional release for more than 5 years.

(d) The court shall notify the Criminal Justice Information System Central Repository whenever it orders conditional release or discharge of a committed person.

(e) (1) An appeal from a District Court order shall be on the record in the circuit court.

(2) An appeal from a circuit court order shall be by application for leave to appeal to the Court of Special Appeals.

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